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BEFORE THE

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Federal Communications Commission

WASHINGTON, D.C.

JUN 21 1993

In re Applications of)	MM Docket No. 93-94	FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY
SCRIPPS HOWARD BROADCASTING COMPANY)	File No. BRCT-910603KY	
For Renewal of License of Station WMAR-TV, Baltimore, Maryland)		
and)		
FOUR JACKS BROADCASTING, INC.)	File No. BPCT-910903KE	
For a Construction Permit for Television Facility on Channel 2 at Baltimore, Maryland)		
To: The Honorable Richard L. Sippel Administrative Law Judge)		

OPPOSITION TO MOTION FOR CONTINUANCE OF HEARING

Four Jacks Broadcasting, Inc. ("Four Jacks") by its attorneys, hereby opposes the "Motion for Continuance of Hearing" filed by Scripps Howard Broadcasting Company ("Scripps Howard") on June 15, 1993 and the "Request to Amend and Amendment of Motion for Continuance" filed June 18, 1993.

1. In its June 15th motion, Scripps Howard originally requested the Presiding Judge to change the hearing date from October 13, 1993 to the week of October 25, 1993. Subsequently, on June 18, 1993 counsel for Scripps Howard amended its motion to state that Scripps Howard had been advised that Mass Media Bureau counsel Mr. Zauner had a scheduling conflict during the period October 26th through November 5th. Therefore, Scripps Howard has

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now requested that the hearing be scheduled sometime in November after November 5th.

2. Four Jacks opposes any continuance of the October 13, 1993 hearing date. First, Four Jacks submits that the request is not justified. Scripps Howard's sole reason for seeking a continuance is that Mr. Greenebaum, the head of litigation in the Washington office of its counsel, Baker & Hostetler, represents the plaintiff in two actions scheduled for trial in Colorado during the period October 12 - October 22, 1993. However, with all due respect to Mr. Greenebaum, he is only one of three attorneys from the firm of Baker & Hostetler whose names appear on pleadings in this case and he is not the lead counsel. Furthermore, the 1993 edition of Martindale Hubbell reflects that Baker & Hostetler has 88 attorneys in its Washington office and 42 of those are listed as partners. Twelve partners in addition to Mr. Greenebaum are listed as engaging in "Litigation." Scripps Howard has failed to establish that it lacks adequate staff to try this case.

3. The hearing should not be held hostage to Mr. Greenebaum's schedule. It would be highly prejudicial to the hearing process to continue cases on the basis of the reason advanced by Scripps Howard.

4. Second, the issue of Mr. Greenebaum's scheduling conflict was discussed at the June 3, 1993 prehearing conference, and the Judge stated "I'm staying with these dates." (Tr. 69). The Judge also indicated that he would consider that his scheduling order had priority if it came down before the order of

the Colorado court (Tr. 58). Judge Sippel released his scheduling Order on June 7th. The Colorado court did not act until June 8th. (See Scripps Howard Motion for Continuance of Hearing).

Accordingly, for the reasons set forth above, Scripps Howard's Motion for Continuance of Hearing should be denied.

Respectfully submitted,

FOUR JACKS BROADCASTING, INC.

By: 

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Dated: June 21, 1993


CERTIFICATE OF SERVICE

I, Renee Gray, a secretary in the law firm of Fisher, Wayland, Cooper and Leader, do hereby certify that true copies of the foregoing "OPPOSITION TO MOTION FOR CONTINUANCE OF HEARING" were sent this 21st day of June, 1993, by hand delivery to the following:

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